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FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER PHAM, CHRYSTINE	
			ART UNIT 2192	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

mn

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/785,564	PIEHLER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chrystine Pham	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 6-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/09/2007 &amp; 06/20/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to the Amendments filed on June 20, 2007. Claim 1 has been amended. Claims 2-5 have been canceled. Claims 6-31 are new. Claims 1 and 6-31 are presented for examination.

### ***Response to Arguments***

2. Applicant's arguments with respect to new claim limitations recited in amended claim 1 and new claims 6-31 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. Claim 9 is objected to because of the following informalities: Claim 9 recites "JWS". An unabbreviated version of JWS needs to be recited once in the claims for the meaning of the abbreviation "JWS" is likely to change over time. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:  
  
Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
5. Claims 1, 6-31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

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Claim 1

Recited as "A system, comprising one or more compilers, ...", the *system comprising one or more compilers* (i.e., data structures and/or computer programs) merely amounts to functional descriptive material **per se**. Data structures not claimed as embodied in computer-readable media are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. See MPEP 2106.01.

Claims 6-31

They are also rejected under 35 USC 101 for failing to remedy the deficiency of base claim 1.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1, 6-8, 11, 12, 14-21, 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams et al. (US 6,836,883 B1, "Abrams") in view of Chan et al. (US 2003/0028364 A1, "Chan").

Claim 1

Abrams teaches a system comprising: one or more compilers (see at least col.2:1-6; *different front ends, different source languages, front end compiler system* col.2:20-60; 56, 58, 60 FIG.3 & associated text), wherein the compilers support mixing and nesting of languages within source file (see at least *metadata, instruction code* col.2:20-60; 84, 90, 92 FIG.4 & associated text); an extensible multi-language compiler framework (see at least *multiple front ends, multiple programming languages* col.2:20-60), wherein the compiler framework provides a source code editor with information about the source file comprising: signature of classes defined by the source file and errors found in the source file and information exposed by any languages (see at least *compilers, front end analysis, parses, source language file, lexical, grammatical, syntactic problems, reporting errors, libraries, "include", "import" statements* col.1:13-67), wherein language-independent source code editor communicates to the compiler framework using language-independent metadata (see at least *front end 22, common language file 26, metadata 28* col.4:34-col.5:29; 28, 33 FIG.1 & associated text)

Abrams does not expressly disclose said source code editor as a language-independent source code editor. However, Chan teaches a language-independent source code

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editor that supports the mixing and nesting of languages within a source file (see at least 15, 16 FIG.1 & associated text) with information about the source file, comprising: signatures of classes defined by the source file (see at least 20 FIG.2 & associated text), errors found in the source file (see at least 49, 54-55 FIG.4 & associated text), stack of nested languages at any point in the source file (see at least 15, 16 FIG.1 & associated text), and information exposed by any languages (see at least 14-17 FIG.1 & associated text).

Abrams and Chan are analogous art because they are both directed to software development. It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to incorporate the teaching of Chan into that of Abrams for the inclusion of the language-independent source code editor. And the motivation for doing so would have been to provide development assistance for all of the languages used in a hybrid or mixed language source file developed in an IDE (see at least Chan paragraph [0010]).

#### Claim 6

The rejection of base claim 1 is incorporated. Chan further teaches wherein integrating a new language does not required separate instructions to enable compiling or editing of the new language (see at least paragraph [0034]).

#### Claim 7

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The rejection of base claim 1 is incorporated. Chan further teaches wherein the language-independent source code editor displays errors for mismatched start and end XML tags embedded in the source code and performs auto-completion of XML tags embedded in the source code (see at least FIG.3 & associated text; 17 FIG.1 & associated text).

#### Claim 8

The rejection of base claim 7 is incorporated. Chan further teaches wherein the language-independent source code editor displays errors and performs auto-completion independent of the host language embedding XML tags (see at least 17 FIG.1 & associated text; paragraph [0056]; 49, 53-54 FIG.4 & associated text).

#### Claim 11

The rejection of base claim 1 is incorporated. Chan further teaches wherein the compiler framework enables the language-independent source code editor to provide visual indication of errors throughout a source file with mixed languages (see at least FIG.3 & associated text; 49, 53-54 FIG.4 & associated text)

#### Claim 12

The rejection of base claim 1 is incorporated. Chan further teaches wherein the compiler framework keeps track of errors in source files in a project so that a user can

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have a list of errors in opened and unopened source code files in a project (see at least 55 FIG.4 & associated text; paragraphs [0050], [0054]).

#### Claim 14

The rejection of base claim 1 is incorporated. Chan further teaches wherein the compiler framework allows an outer language compiler to pass of processing of a section of a document to an inner language compiler (see at least 15-16 FIG.1 & associated text; 49, 53 FIG.4 & associated text).

#### Claim 15

The rejection of base claim 14 is incorporated. Chan further teaches wherein a parse tree produced by the inner compiler is available to the outer compiler (see at least paragraphs [0003], [0046], [0047] and [0050]).

#### Claim 16

The rejection of base claim 15 is incorporated. Chan further teaches wherein either the inner compiler or the outer compiler can determine where the span of the inner compiler's language content ends (see at least 15-16 FIG.1 & associated text; 49, 53 FIG.4 & associated text).

#### Claim 17



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The rejection of base claim 1 is incorporated. Chan further teaches wherein the compiler framework includes a parser generator and a scanner generator (see at least *scanner programs S1, S2, S3* paragraph [0013]; *parser programs P* paragraph [0014]).

#### Claim 18

The rejection of base claim 17 is incorporated. Chan further teaches wherein generated parsers are able to recover from all single token errors and missing identifiers that occur during code completion (see at least paragraphs [0003], [0036]).

#### Claim 19

The rejection of base claim 1 is incorporated. Chan further teaches wherein the compiler framework provides the source code editor with names of classes and packages in a project and errors found in any source files in a project (see at least FIG.1 & associated text).

#### Claim 20

The rejection of base claim 19 is incorporated. Chan further teaches wherein the compiler framework is notified of a change in a file, the information about the file is updated within a time limit for a single-file recompile (see at least paragraph [0043]).

#### Claim 21

The rejection of base claim 20 is incorporated. Chan further teaches wherein after the file is recompiled, the compiler framework provides the source code editor with a list of changes that occurred to the file information (see at least paragraph [0058]).

#### Claim 25

The rejection of base claim 1 is incorporated. Chan further teaches wherein a file compiler is used to perform compilation of a single source file (see at least paragraphs *M file* [0039], [0041]).

#### Claim 26

The rejection of base claim 25 is incorporated. Abrams further teaches wherein the file compiler supports interoperation of different languages by using a common intermediate language (see at least col.4:34-col.5:1).

#### Claim 27

The rejection of base claim 26 is incorporated. Abrams further teaches wherein the common intermediate language is Java (see at least col.4:34-col.5:1).

#### Claim 28

The rejection of base claim 25 is incorporated. Chan further teaches wherein the file compiler remembers where the language nesting occurs for reuse on subsequent parses (see at least 15-16 FIG.1 & associated text).

Claim 29

The rejection of base claim 28 is incorporated. Chan further teaches wherein the outer language implements a name resolution interface to allow the inner language to resolve references to names defined outside of the nest language (see at least paragraph [0056]).

Claim 30

The rejection of base claim 1 is incorporated. Chan further teaches wherein all parsing is performed on background threads (see at least *scanner programs S1, S2, S3* paragraph [0013]; *parser programs P* paragraph [0014]; paragraph [0056]).

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams in view of Chan further in view of Bau III et al. (US 2003/0023957 A1, "Bau").

Claim 9

The rejection of base claim 1 is incorporated. Abrams does not expressly disclose wherein the language-independent source code editor provides syntax coloring and code completion for editing **JWS annotations**. However, Bau teaches a compiler for parsing (i.e., editing) source file comprising JWS annotations (see at least paragraphs [0023]; [0036]-[0037], [0048] and [0070]). It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to incorporate the teaching of

Bau into that of Chan & Abrams for the inclusion of JWS annotations. And the motivation for doing so would have been to simplify the developer's task and enable client software written in variety of languages to interact with web services and for the services to interact with other external services (see at least Bau paragraphs [0005], [0007] and [0023]).

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams in view of Chan further in view of Vaidyanathan et al. (US 6,367,068 B1, "Vaidyanathan").

#### Claim 10

The rejection of base claim 1 is incorporated. Abrams does not expressly disclose wherein the compiler framework makes it possible to reparse in near real-time with no performance degradation noticeable to the user. However, Vaidyanathan teaches a source code editor (see at least 202, 206 FIG.2 & associated text) and a dynamic parser (see at least 204, 200 FIG.2 & associated text) for parsing the source code as the source code is being edited (see at least ) wherein the dynamic parser reparses the source code in near real-time with no performance degradation noticeable to the user (see at least *real-time parsing* col.1:12-15; col.2:15-30; *static parsers, dynamic parsers, indeterminate times* col.7:38-65). It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to incorporate the teaching of Vaidyanathan into that of Abrams for the inclusion of near real-time reparsing. And the

motivation for doing so would have been to eliminate the need for explicit compiling (i.e., reparsing) by the programmer in order to identify errors in the source code which is being edited, as well as to facilitate code auto-completion (see at least Vaidyanathan col.1:42-55; col.2:37-47).

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams in view of Chan further in view of Patel (US 2004/0103406 A1).

#### Claim 13

The rejection of base claim 1 is incorporated. Abrams does not expressly disclose wherein the compiler framework has error correction in code-generation, permitting users to run their code even if there is an error in it. However, Patel teaches wherein the compiler framework has error correction in code-generation, permitting users to run their code even if there is an error in it (see at least paragraphs [0006], [0027]-[0028] and [0032]). It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to incorporate the teaching of Patel into that of Abrams for the inclusion of error correction in code-generation. And the motivation for doing so would have been to alleviate the need for the programmer to identify missing and/or corrupt files during compilation (see at least Patel paragraph [0005]).

11. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams in view of Chan further in view of Skinner et al. (US 6,721,740 B1, "Skinner").

#### Claim 22

The rejection of base claim 1 is incorporated. Chan further teaches wherein the compiler framework includes a project compiler, wherein the project compiler contains a list of source directories and the class path (see at least paragraphs [0003], [0006]-[0008], [0059]). Chan does not expressly disclose maintaining a type cache which contains Java signatures of classes in the project. However, Skinner teaches a system and method for performing active update of Java objects (see at least Abstract; *Java classes, JavaBeans* col.7:15-67) wherein the states of the Java objects (i.e., Java signatures of classes) are serialized and stored in the type cache (see at least 305B, *serializes data objects, object cache* 303A col.21:5-17; 303A, 303B FIG.3 & associated text). it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to incorporate the teaching of Skinner into that of Chan for the inclusion of a type cache. And the motivation for doing so would have been maintain (i.e., serialize and save in the type cache) a list of Java objects that are undergoing modification (i.e., being edited in Chan's environment) in order to provide efficient and real-time update notifications multiple programmers/developers/users across a multi-tier network (see at least Skinner col.1:45-65; col.8:13-51).

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#### Claim 23

The rejection of base claim 22 is incorporated. Skinner further teaches wherein the type cache is indexed by file name and by class name, and maintains a current list of errors and a list of dependencies (see at least 304A FIG.3 & associated text; col.16:5-20).

#### Claim 24

The rejection of base claim 23 is incorporated. Skinner further teaches wherein the project compiler and the type cache are serializable (see at least 305B, *serializes data objects, object cache* 303A col.21:5-17; 303A, 303B FIG.3 & associated text).

12. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams in view of Chan further in view of Iwashita (US 7,073,167 B2)

#### Claim 31

The rejection of base claim 1 is incorporated. Abrams does not expressly disclose wherein a thread pool allows compilation of multiple files to be performed in parallel. However, Iwashita teaches a system and method for parallel compilation of multiple files (see at least FIG.24 & associated text; FIG.22 & associated text; col.15:34-36). It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to incorporate the teaching of Iwashita into that of Abrams for the inclusion of parallel compilation. And the motivation for doing so would have been to

reduce duplicate (intermediate or executable) code, thereby reducing the total amount of code generated by the compiler (see at least Iwashita col.14:65-col.15:3).

### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chrystine Pham whose telephone number is 571-272-3702. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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